



W.P.No.6131 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6131 of 2021

P.Srinivasan

.... Petitioner

Vs

1. The Chairman,
The Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai – 600 005.

2. The Estate Officer,
The Tamil Nadu Slum Clearance Board,
Division V, Teynampet,
Chennai – 600 018.

3. P.Subramani Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to dispose of the representation dated 12.12.2020 submitted for the execution of the sale deed in respect of the house Plot No.10, admeasuring a total extent of 91.80 square meters (990 sq.ft) situated at Door No.10, Nallan Street, Vanniya Teynampet, Chennai – 600 018 situate within Division No.113, Corporation of Chennai in the joint name of the co-owners of the property.



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For Petitioner : Mr.L.Dhamodaran
For R1 & R2 : Mr.G.Venkatesan
For R3 : Mr.C.Sivanesan

ORDER

This Writ Petition has been filed for a direction directing the respondents 1 to 2 to consider the representation submitted by the petitioner dated 12.12.2020 seeking execution of the sale deed in respect of the house Plot No.10, admeasuring 91.80 sq.mts, situated at Door No.10, Nallan Street, Vanniya Teynampet, Chennai, in favour of the petitioner.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. It is seen that the subject property has been allotted in favour of the third respondent, who is none other than the own brother of the petitioner herein. Thereafter, third respondent had paid monthly installment for the said allotment. While being so, the third respondent, being the brother of the petitioner, was permitted to occupy the said house and he is in possession and enjoyment of the house. Thereafter,



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the petitioner submitted a representation seeking execution of the sale deed in his favour before the first and second respondents. So far the Government has not transferred the entire land in favour of the first respondent. Only after transfer of the said land, the sale deed can be executed in favour of the name of the allottee.

4. That apart, the petitioner filed a suit challenging the allotment of the subject property and also seeks for partition in O.S.No.11628 of 2010 on the file of the I Additional City Civil Court, Chennai. The said suit was dismissed, by a Judgment and Decree dated 06.11.2019. Aggrieved by the same, the petitioner preferred an appeal suit in A.S.No.972 of 2020 before this Court and it is pending. Therefore, the prayer sought for in this writ petition cannot be considered. Thus, the writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed. However, after handing over the entire land in favour of the first respondent and subject to the result of the appeal suit, the petitioner can



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very well make a fresh representation for execution of the sale deed in respect of the subject property. No costs.

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Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To

1. The Chairman,
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Kamaraj Salai, Chennai – 600 005.

2. The Estate Officer,
The Tamil Nadu Slum Clearance Board,
Division V, Teynampet,
Chennai – 600 018.



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G.K.ILANTHIRAIYAN, J.

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